

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150646
	:	TRIAL NO. 15CRB-22866
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
CANDACE CAVANAUGH,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a bench trial, defendant-appellant Candace Cavanaugh appeals her conviction for aggravated menacing in violation of R.C. 2903.21(A). In two assignments of error, Cavanaugh claims the conviction was based on insufficient evidence and not supported by the manifest weight of the evidence. We disagree and affirm the judgment of the trial court.

On August 29, 2015, Sergeant Dan Hils was sent to negotiate with Cavanaugh, who was contemplating suicide. He was dispatched to Cavanaugh's home because Cavanaugh had threatened to stab herself in the heart. When Hils knocked on the door, he heard Cavanaugh shouting, but she did not answer the door. Hils, who had obtained a key to the apartment from the landlord, unlocked and opened the door. The door was secured with a night latch that opened three to four inches, but the officer could see her sitting in the

living room. When Hils looked inside, Cavanaugh ran toward the door with a very large six to eight inch butcher knife.

Hils immediately jumped back, and Cavanaugh slammed the door shut. Hils testified that he was afraid of a confrontation that could result in harm to him or the other officers when she charged with the butcher knife. He further testified that she could have stabbed him through the three to four inch opening of the door.

After reviewing the record, we cannot say that the trier of fact lost its way and created such a manifest miscarriage of justice that we must reverse Cavanaugh's conviction and order a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). Cavanaugh primarily argues that the victim's testimony was not credible. However, the trial court was entitled to believe Hils's testimony that he feared Cavanaugh would cause serious physical harm with the butcher knife. The trial court was in the best position to judge the credibility of the witnesses. *State v. Rainey*, 2012-Ohio-4233, 977 N.E.2d 703, ¶ 14 (1st Dist.).

Accordingly, we overrule the assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., ZAYAS AND MYERS, JJ.

To the clerk:

Enter upon the court's journal on March 24, 2017
per order of the court _____.

Presiding Judge